

Members

Sen. Kent Adams, Chairperson
Sen. Beverly Gard
Sen. Nancy Dembowski
Sen. Larry Lutz
Rep. Win Moses
Rep. Matt Pierce
Rep. Timothy Neese
Rep. Jeff Thompson



RECYCLING EVALUATION COMMITTEE

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Authority: IC 2-5-21-11

MEETING MINUTES¹

Meeting Date: September 25, 2003
Meeting Time: 9 A.M.
Meeting Place: State House, 200 W. Washington St.,
Senate Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. Kent Adams, Chairperson; Sen. Beverly Gard; Sen. Nancy Dembowski; Rep. Win Moses; Rep. Matt Pierce.

Members Absent: Sen. Larry Lutz; Rep. Timothy Neese; Rep. Jeff Thompson.

Opening Remarks.

Sen. Kent Adams called the meeting to order at 9:05 am. He discussed the agenda for the third meeting of the Recycling Evaluation Committee, saying that the Committee must decide if there are any issues that need the Committee's action. Sen. Adams said that the Committee could draft specific legislation or make recommendations to the Legislature or an agency. He reiterated his recommendation that any product of the Committee be sent to the Environmental Quality Service Committee.

Problem Waste

Sen. Adams asked Mr. Jim Mahern, Assistant Commissioner, Office of Pollution Prevention and Technical Assistance (OPPTA), Indiana Department of Environmental Management (IDEM), to proceed with a presentation on problem wastes (Exhibit A). Mr. Mahern began his discussion by describing household hazardous waste and outlining the funding that the state provides for household hazardous waste collection, recycling, or disposal through the Solid Waste Management Fund and the Hazardous Substances Response Trust Fund. Next, Mr. Mahern

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discussed electronics and what other states are doing to address the issue of recycling and disposal of electronics. He described the E-Scrap Action Program headed by the Indiana Recycling Coalition (IRC), which received a \$40,000 grant from IDEM. Finally, he discussed waste tires and presented ideas for dealing with waste tires. He suggested broader-based market development, including clearer authority to distribute funds for cleanup and market development. He also suggested more enforcement and cleanup, including clearer authority for addressing processors who are illegally stockpiling tire material, greater oversight of regulated transporters and processors, and more effective language to guide cost recovery for cleanups.

Sen. Adams asked if the Legislature should expect to see a legislative package as a result of the E-Scrap Action Program. Mr. Mahern indicated that the program was aimed at sharing ways to deal with waste and that he did not expect a legislative initiative to be the end result of the program.

Sen. Adams called on Ms. Tiffany Sorge, Recycling Market Development, Department of Commerce, to provide additional information concerning problem waste (Exhibit B). Ms. Sorge indicated that the Department of Commerce provides technical and financial assistance to Indiana businesses and explained that priority is given to projects that expand markets for problem wastes. She provided information on each type of problem waste and describe the efforts needed or underway to provide for recycling of the material.

In response to a question from Mr. James Echelbarger, Hancock County Solid Waste Management District, Ms. Sorge indicated that the EPA was the best source to find information concerning reuse of industrial by-products.

Committee Discussion of Recycling Issues.

Sen. Adams began a discussion of the recommendations the Committee may wish to make. He referred to an addendum attached to the agenda that was sent to Committee members (Exhibit C). The addendum provided sections of Indiana Code related to issues raised in the Legislative Services Agency (LSA) report and addressed five topic areas:

- Recycling for State Government.
- Goals and Measurements of Recycling.
- State Statutes in Conflict with U.S. Constitution.
- State Recycling Fee Allocations.
- Financing Solid Waste Management Districts.

Sen. Adams asked that members of the audience make comments in addition to members of the Committee. There were no comments addressed to recycling for state government.

Mr. Lance Hodge, Association of Indiana Solid Waste Management Districts (AISWMD), addressed the goals and measurements of recycling, saying that recyclables should be tracked throughout the collection and disposal process so that public confidence in recycling would increase. He indicated that the public/private partnership in recycling may make tracking difficult, but that it was important for general support of recycling efforts.

Sen. Adams asked Ms. Karen Firestone, Fiscal Analyst, Legislative Services Agency, to address the state statutes in conflict with the U.S. Constitution. She referred to an attachment to the addendum prepared for the Committee by Mr. Bob Bond, Attorney, LSA. No other comments were made concerning these sections.

Mr. Hodge rose again to address state recycling fees. Although he did not have a comment on changing the fees, he did relate fees to funding solid waste management districts. Mr. Hodge indicated that districts with landfills can experience changes in revenues based on changes in landfill use which is beyond the control of the districts. He said that in the last couple of years a number of districts had experienced these difficulties.

Discussing the financing of solid waste management districts, Mr. Hodge indicated that the support that programs receive from state funding is important. In response to a question about increased funding, Mr. Mahern indicated that IDEM uses the annual revenues to the Solid Waste Management Fund to make grants and that the revenues have not been increasing.

Mr. Jeff Myers, Greene County Solid Waste Management District, indicated that his district was one that had seen a change in use of the district's landfill resulting in a revenue decrease of 75% to 80%. He said that some locals do not have the will to raise revenues from other sources and that the Mercury Program could serve as a model that may help these districts. He indicated his interest in developing a funding formula that would address district needs and remove the problem of haves and have nots. Mr. Myers concluded by saying that a higher State Solid Waste Management Fee could discourage people from just throwing things away.

Mr. Jeff Langbehn, Lake County Solid Waste Management District, suggested that Marion County should be required to become a solid waste management district so that the Solid Waste Management Fee would apply in Marion County, ending a financial advantage that Marion County may have.

Mr. Hodge said that the AISWMD board had voted to adopt a framework that would establish a minimum service level for all Indiana residents and then provide funding to districts to achieve that level of service. He indicated that the details for such a proposal were still being worked out by AISWMD. Sen. Adams said that he hoped AISWMD would bring these ideas to the Legislature or the EQSC.

Mr. Philip Powlick, Energy and Recycling, Department of Commerce, commented on the allocation of funds from the Waste Tire Management Fund. He said that although there was clarifying language in a bill, there was still confusion over the allocation of funds and that Commerce and IDEM agree that funds should go to IDEM. He recommended removing references to the Department of Commerce from the section altogether.

General Discussion.

Sen. Adams called upon Mr. Myers, who had signed up to speak, to address the Committee concerning illegal burning. Mr. Myers is the chair of a taskforce of 25 solid waste management districts that are looking for ways to discourage trash burning (Exhibit D). He recommended state coordination of efforts to enforce bans on burning rather than the current local ordinance enforcement. He indicated that success in stopping illegal burning could result in more waste going to landfills and that the issue is difficult because it involves property owner rights.

Mr. Terry Duffy, Indiana Recycling Coalition, addressed the Committee concerning electronics waste (Exhibit E). He indicated there are four elements to success including making addressing this waste stream a priority, offsetting the burden of disposal costs, addressing the whole hierarchy of recycling for this waste stream, and long-term producer responsibility. He discussed the E-Scrap Program that IRC is spearheading, indicating that the program brings together stakeholders to exchange ideas that can work in the present instead of waiting for the end of the program next summer.

Representative Richard Mangus.

The chairman called on Representative Richard Mangus to present the issues that he identified in a memorandum to the Committee (Exhibit F). Rep. Mangus indicated that the city/county building in South Bend burns waste and does not collect recyclable materials. Rep. Mangus' comments included a situation he observed where recyclables were collected with nonrecyclables within St. Joseph County Solid Waste Management District. He indicated that the recyclables would be placed in the landfill and expressed his concern about a mandatory fee that is charged to district residents, saying that the fee was charged to the resident, not the property. Rep. Mangus read from his memorandum including a recommendation that the Governmental Efficiency Commission undertake a review of the statewide issue of waste management. Sen. Adams thanked Rep. Mangus for his comments and asked for discussion.

Ms. Sue Studebaker, Kosciusko County Solid Waste Management District, asked why Rep. Mangus had not called the director of the St. Joseph County Solid Waste Management District. She then asked when Indiana is going to have a bottle bill to address plastic waste and recycling. Sen. Adams offered Rep. Mangus the floor, and Rep. Mangus responded that he could not, as a former dairy farmer, support a bottle bill that would return used milk bottles to a store or producer.

Mr. Mark Mehall, St. Joseph Solid Waste Management District, rose to provide information about his district. He said that he needs residents to contact him when they observe recyclables collected with other garbage so that he can contact the contractor, Waste Management. He indicated that this situation could lead to a breach of contract action on the part of the district. Additionally, Mr. Mehall indicated that the paper recycling program at the city/county building had been ad hoc, but that the district is working with the building managers to develop a permanent paper recycling program. Also, Mr. Mehall indicated that South Bend in early 2003 agreed to take some waste for the first time in several years to Prairie View Landfill which is located within the district. Rep. Mangus responded that he knew the first director had left, but he did not know why. He also said that since the state has a uniform policy for fire fighting, he did not know why the state could not have a uniform policy for waste management. Additionally, he discussed the waste from slicks in the Sunday paper.

Mr. Jeff Langbehn, Lake County Solid Waste Management District, rose to agree that newspaper waste was a large part of the waste stream that could be managed if districts had a mandate or powers to do certain things. He said that, for example, his district pays schools for their recyclable paper, but that in certain schools, the Union will not allow janitors to help in the collection because it is not within their job descriptions.

Hearing no further comments, Sen. Adams summarized the comments and indicated that the current challenge was to continue to identify problems and decide what to do as a Committee. He suggested that he would review the minutes from today's meeting and then formulate an agenda from the issues discussed.

Selection of the next meeting date.

After some deliberation, the Committee selected October 21, 2003, at 10:00 am for the next meeting.

There being no further business, the meeting was adjourned at 10:55 am.